REMARKS

The Applicant is currently submitting this Response to the Notice of Non-Compliant Amendment mailed on 8/13/2008. Within the Notice, the Examiner noted that claims that are not amended should not be underlined. The Applicant graciously thanks the Examiner for pointing out the deficiencies. Accordingly, the Applicant is currently submitting replacement claims in the proper form.

Additionally the Applicants respectfully request further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 1-38 were previously pending in the present application. Within the Office Action of April 22, 2008, claims 1-38 were rejected. The Applicant is currently amending claims 29 and 31 and cancelling claim 38. No new matter is contained by way of these amendments.

Rejections Under 35 U.S.C. §101

Within the Office Action, the Examiner rejected claims 29, 31 and 38 were rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. The Applicant respectfully traverse this rejection because claims 29 and 31, as amended, claim statutory subject matter.

Rejections Under 35 U.S.C. §112

Also within the Office Action, the Examiner rejected claims 1-38 for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant respectfully traverse this rejection because the claims are sufficiently clear.

Specifically, claims 1, 18, 25, 26, 28, 29 and 31 disclose a set of data packet types on the one hand and a data stream into which data packets are arranged on the other hand. Further, it is defined that each data packet is of a data packet type of the

set of data packet types. Normally, no order is defined among the elements of a set. Accordingly, an order among the data packet types would normally not be defined.

However, such order is defined by the "predetermined order among the data packet types". This predetermined order is one of the main issues of the present application. This becomes clear from the last paragraph in, for example, claim 1. See, for example, Fig. 1. A data stream 20 is shown. The data stream 20 consists of data packets 22. Since data stream 20 is a stream of data packets 22, the data packets 22 form a sequence and arrive at the receiver in some order. This order is indicated in Fig. 1 by means of the arrow pointing to the left. As can be seen, consecutive ones of the data packets 22 belong to consecutive access units 24. Within each access unit, the data packets 22 are arranged in accordance with their data packet type. That is, they are arranged in accordance with the predetermined order defined among the data packet types. This is indicated in Fig. 1 by use of the capital letters and the alphabetic order being used as the predetermined order. Some of the data packet types are removable data packet types. That is, same may be left away when forwarding the data stream 20 to some recipient. Removable data packets are, for example, data packets concerning redundant information or refinement information in case of a scalable data stream. The removal of data packets is indicated in Fig. 1 by means of arrow 34. However, despite the removal of data packets of the removable data packets types, the boundaries between the access units are still detectable and occur at the same places when identifying the positions at which the alphabetic order is violated as access unit boundaries. In the example of Fig. 1, the first position where the alphabetic order is violated, is between the first "F" and the second "C". This boundary between the first and second access unit is the same as in the original data stream 20.

Conclusion

As set forth above, all of the rejections as been overcome. Therefore claims 1, 3-4, 8-12, 14-16, 19-26, and 28-32 are in condition for allowance and an early issuance of a Notice of Allowance would be appreciated.

Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,

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